

**Remarks:****I. Introduction**

In the Office Action mailed on December 19, 2008, the Examiner rejected claims 1 to 52. Independent claim 1 has been amended to incorporate the features of original claims 10 and 11. A corresponding amendment has been made to independent claim 52. Claims 10, 11, 49 and 50 have been cancelled. New claims 53 to 56, and corresponding claims 58 to 61, have been added and these claims are based on Figures 4, 5 and 6 and the accompanying description from page 9, line 4 to page 10, line 2. New claim 57 has been added and is based on original claims 1, 10 and 11. No new matter has been added. Accordingly, claims 1 to 9, 12 to 48, and 51 to 61 are now pending in this application.

**II. Claim objections**

The Examiner objected to claims 5, 8, 9, 15, 18, 22, 49 and 50 because of informalities. Claims 5, 8, 9, 15, 18 and 22 have been amended as required by the Examiner. Claims 49 and 50 have been cancelled. Reconsideration and withdrawal of the objection is requested.

**III. Claim Rejections to 35. U.S.C. § 112**

The Examiner rejected claims 8, 9, 18, 22, 23, 25 to 27, 29, 34 to 36 and 50 pursuant to 35. U.S.C. § 112, second paragraph, as indefinite. Claims 8, 9, 18, 22, 23 and 29 have been amended as required by the Examiner. Claims 25 to 27 and 34 to 36 depend from amended claim 8. Claim 50 has been cancelled. Reconsideration and withdrawal of the objection is requested.

**IV. Claim Rejections to 35. U.S.C. § 102(b)**

The Examiner rejected claims 1 to 34, 36, 37 and 46 to 52 pursuant to 35. U.S.C. § 102(b) as anticipated by Dryburgh et al. (US 6,059,364). The Examiner also rejected claims 1 to 37 and 46 to 52 pursuant to 35. U.S.C. § 102(b) as anticipated by Kitamoto et al. (US 6,227,489). The Examiner further rejected claims 1 to 4, 6, 8 to 13, 15 to 19, 24 to 27, 37 to 45, and 47 to 52 pursuant to 35. U.S.C. § 102(b) as anticipated by Thompson (WO 03/053735A1).

Independent claim 1 has been amended to recite that the second seating position overlaps with the footwell of the first seating position in a transverse direction such that the second seating position overhangs part of the footwell of the first seating position, the transverse direction being substantially perpendicular to said forward direction.

The transverse overlap and overhang required by amended claim 1 can best be appreciated from Figures 5, 6 and 7 of the present patent application, which show an example of how a second seating position overlaps and overhangs part of the footwell of an adjacent first seating position.

With regard to US patent no. 6,059,364 (Dryburgh), Dryburgh does not disclose a seating arrangement in which the second seating position overlaps with the footwell of the first seating position in a transverse direction such that the second seating position overhangs part of the footwell of the first seating position. As may best be seen from Figures 3 and 4 of Dryburgh, which show his seating in plan view, the Dryburgh seats overlap with adjacent seats in a forward direction (i.e. the direction in which Dryburgh's passengers would face when seated) but not in a transverse direction that is perpendicular to the forward direction. In particular, there is no overhang of one seating position with the footwell of an adjacent seating position. The examiner indicates that the region 25 of Dryburgh's seats overhangs the footwell of an adjacent seat. However, the Applicant respectfully disagrees – it can be seen from Figure 3 of Dryburgh that the footwell of the adjacent seat has terminated before the region 25 begins and so there can be no overlap as defined in claim 1.

With regard to US patent no. 6,227,489 (Kitamoto), Kitamoto does not disclose a seating arrangement in which the second seating position overlaps with the footwell of the first seating position in a transverse direction such that the second seating position overhangs part of the footwell of the first seating position. As can be seen from Figures 1 and 4 of Kitamoto, which show his seating in plan view, the Kitamoto seats overlap with adjacent seats in a forward direction (i.e. the direction in which Kitamoto's passengers would face when seated) but not in a transverse direction that is perpendicular to the forward direction. In particular, there is no overhang of one seating position with the footwell of an adjacent seating position. This is particularly apparent from Figure 3 of Kitamoto, which allows the inside of a footwell to be viewed and it can be seen that the seat adjacent the footwell does not overhang the footwell.

With regard to International PCT patent application WO 03/053735 (Thompson), Thompson does not disclose a seating arrangement in which the second seating position overlaps with the footwell of the first seating position in a transverse direction such that the second seating position overhangs part of the footwell of the first seating position. As can best

be seen from Figure 1 of Thompson, which show his seating in plan view, the Thompson seats overlap with adjacent seats in a forward direction (i.e. the direction in which Thompson's passengers would face when seated) and in a transverse direction that is perpendicular to the forward direction. However, claim 1 requires that the footwell of a first seating position is located beside the seat of a second seating position. This feature is not present in Thompson since the seating positions do not comprise both a seat and a footwell and so his seats are adjacent other seats not footwells. Accordingly, there is no overhang of one seating position with the footwell of an adjacent seating position. In Thompson, only the armrests of adjacent seats overlap in the transverse direction.

Accordingly, it is respectfully submitted that amended claim 1 is novel over the cited prior art by virtue of the feature whereby the second seating position overlaps with the footwell of the first seating position in a transverse direction such that the second seating position overhangs part of the footwell of the first seating position, the transverse direction being substantially perpendicular to said forward direction.

Similar comments apply in relation to independent claim 52, which is of corresponding scope to claim 1, as were made in relation to claim 1 and so claim 52 is therefore also submitted as being novel over the cited prior art.

Independent claim 57 also recites that the second seating position overlaps with the footwell of the first seating position in a transverse direction such that the second seating position overhangs part of the footwell of the first seating position, the transverse direction being substantially perpendicular to said forward direction. Similar comments therefore apply in relation to independent claim 57 as were made in relation to claim 1 and so claim 57 is therefore also submitted as being novel over the cited prior art.

It is respectfully submitted that the remaining claims, being dependent on one or other of claims 1, 52 or 57, are novel over the cited prior art in view of their dependency. With regard to claims 12 to 15, 53 to 61, each of these claims explicitly recites an overlap of the footwell and so for the reasons given above in relation to claim 1, the subject matter of these claims is not disclosed in the cited prior art. Similarly, claim 17 recites an inflected portion of the footwell that is not present in the cited prior art documents. The inflected portion represents an example of how the overhang of the footwell may be achieved.

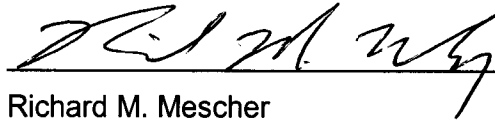
One advantage of the claimed seating arrangement is that it allows the width of the seating to be reduced in the transverse direction and this allows seating arrangements to be devised that can fit in at least one additional seat in the transverse direction in a given space.

## **V. Conclusion**

Allowance of the application is respectfully requested.

If it is found that that the present response does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. M. Mescher', is written over a horizontal line.

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